

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, OCTOBER 6, 2021 @ 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Woodland
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor Anthony J. Trevisani
Assistant Director of Personnel Barbara Schwenzfeier
Town Attorney Herbert Cully
Highway Superintendent Richard Sherman
Highway Chris Moran
Police Chief Michael Inserra
Town Clerk Cheryl Jassak-Huther

Thereafter a quorum was declared present for the transaction of business.

I. PRESENTATION/COMMENTS

1. Carrie Dygert – Director of the Senior Center spoke on behalf of the Senior Center: came up with a plan for activities and programs for the Senior Center - food start on November 1st - activities and programs for Seniors to sign up for - will work with Councilman Lenart - AARP in January - will start calling the Seniors(have a list of 80-100); Councilman Lenart – meeting with the Senior Center on Thursday to brainstorm – then the Senior Center has been tasked to come back to the Board within six (6) days with: what specifically the programs will be, how they will be administered, how many people will be there and have a plan and then it will be revisited at the end of the month; Resident Mr. Montana – donating his time to pick up food from Hannaford and Bagel Grove to help the Senior Center – Nov. 1st will start picking up the meals and bringing them in the morning – his mom is 101 and loves coming to the Senior Center; Marge spoke about the Seniors walking in through the Police entrance and had concerns – it was addressed that it is for a Security reason and all have to use the same entrance (single point entrance); Councilman Reynolds addressed that they have taken the security of the building very seriously and it is a major issue – it has been discussed to buy the property next door (could be a year or more) – for a separate entrance, bathroom, separated from the rest of the building; Supervisor Miscione – need to justify all the employees working, the

idea is not to shut down the Senior Center, it is not shutting down, want to make it a bigger, better and great program, will be working on a plan and working together (Seniors and employees at the Town) – it will take cooperation from everyone, Carrie is doing a wonderful job.

II. PUBLIC HEARING

The addition of one (1) stop sign on Lower Woods Road North at Westminster; one (1) stop sign on Lower Woods Road South at Westminster; one (1) stop sign on Lower Woods Road North at Robin Road; one (1) stop sign on Lower Woods Road South at Robin Road; and one (1) stop sign on Sherman Lane North at Sherman Circle.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 351 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to open the Public Hearing in regards to the stop signs.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Messa.

(RESOLUTION NO. 352 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to close the Public Hearing in regards to the stop signs.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Woodland.

(RESOLUTION NO. 353 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to act on the stop signs.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

III. MATTERS SUBMITTED BY COUNCILMEN

A. Councilman Messa

1. Met with Highway Superintendent and had Jason (Engineer) go over and look at 9 Beechwood Road (Kennedy’s backyard) – looking at the homeowners backyard – what was done back when the system was built, they are in need of a catch basin – connect to the road – two (2) lots – cost \$2,000 - \$2,500 – on private property; Supervisor Miscione – catch basin on private property; Town Attorney Herbert Cully – need an easement from the owner – draw up an easement agreement and that gives us permission to go on and do that; Highway Superintendent Richard Sherman – the engineer did give us plans to do some work on the #1 pond, on top of the hill – hold back more water – all that area was cleaned out, ponds cleaned out and checked – ready to go for next year.

IV. MATTERS SUBMITTED BY TOWN SUPERVISOR

1. Cathedral Corporation to be our tax check producer (printing of tax bills)

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Woodland.

(RESOLUTION NO. 354 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to use Cathedral Corporation to print the 2022 Town and County Tax Bills.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Abstain
- Councilman Lenart - Aye
- Councilman Reynolds - Aye

Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

V. MATTERS SUBMITTED TOWN ATTORNEY HERBERT CULLY

1. FOIL request submitted by Attorney Richard Cohen in regards to 415 Valley View Road – FOILED any email correspondents with the Board and Mark or the Board and anyone else (not with Attorney Herbert Cully) – all have to be given to Town Clerk Cheryl Jassak-Huther; Supervisor Miscione – can have the IT company get all the archive emails to certify it; Town Attorney Herbert Cully – the Board cannot ever delete any emails you received or send as Councilmen for the Town, they have to be preserved/archived – even through private emails relating to anything Town business
2. Extreme Risk Protection Orders (ERPO) prevent individuals at high risk of harming themselves or others from accessing firearms by allowing family, household members, and police to obtain a court order when these is demonstrated evidence that the person poses a significant danger – we have had a lot of time put in on these and the severity, a lot of paperwork, go down to court, etc., police have been very cooperative and working a lot of hours to help – very serious matters
3. Talk about a litigation in Executive Session
4. Bid for the Mud Creek Flood Control Award on Middle Settlement Road – Low bidder Keller using Alternate 1 – with the soil being hauled away; Councilman Lenart – asked if we have an agreement with the people who are taking all the dirt – would like a signed agreement in writing; Town Attorney Herbert Cully – will write up an agreement
5. Councilman Messa – to Herb – since have extra time associate to the Red Flags – asked if anything additional the Board we have to authorize because it is above and beyond; Town Attorney Herbert Cully-like to be authorized to be able to charge the fee that has been paid in the past of \$200/hour for the additional for the extra services above and beyond – all these services have to be done – will be discussed after Executive Session
6. Highway Superintendent Richard Sherman – asked Town Attorney Herbert Cully – Snowden Hill Road (Barrett) – got a letter - are we going to court with contractor and the Water Board Authority – Town Attorney Herbert Cully – waiting for them to come up with the \$24,000, that was agreed on, by the end of this month

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 355 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to go in to Executive Session (7:04 pm).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye

Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa.

(RESOLUTION NO. 356 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to come out of Executive Session (7:52 pm).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds.

(RESOLUTION NO. 357 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to accept the resignation of Lisa Smigle, Account Clerk.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 358 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to Lisa Smigle to work part-time at the rate of \$22.19/hour, with no benefits to do the bills for the Town.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Reynolds.

(RESOLUTION NO. 359 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to make Delores Shaw a Laborer at the rate of \$19.23/hour.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds.

(RESOLUTION NO. 360 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to make George Farley (Code Department) a Laborer, part-time, with an increase to \$20.00/hour.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Town Attorney Herbert Cully – Motion to schedule the Public Hearing for the Preliminary Budget, pursuant to section Law 107 – October 20, 2021.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Woodland.

(RESOLUTION NO. 361 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to schedule a Public Hearing on Wednesday, October 20, 2021 at 6:00 pm for the 2022 Preliminary Budget.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Town Attorney Herbert Cully – Motion to award the bid for the Mud Creek Flood Control Project on Middle Settlement Road – selected Alternate 1 – as tabulated between John Dunkle and Town Attorney – the award will go to Keller \$1,647,562.00; subject to (getting in writing for the soil)

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds.

(RESOLUTION NO. 362 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to award the bid to W.M. J. Keller & Sons Construction Corporation for the Mud Creek Flood Control Project.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Supervisor Miscione – Three (3) bids on Ski Package for the park (Cross Country Ski package) - \$8,500 Acme Pool & Spa, \$8,658.90 L & L Bean and \$10,391.00 REI Court; Best Quality is L & L Bean – 55 totals (kids and adults)

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 363 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to purchase the cross-country ski package from L & L Bean

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 364 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to Supervisor Miscione to obtain a SURETY BOND from Utica Mutual Insurance Company in connection with the purchase of the LED lighting from National Grid.

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Highway Superintendent Richard Sherman – addressed the Board concerning Early Election – Highway Superintendent Richard Sherman will not be working in the building so others do not say he is working within 25/30 feet of the polling site; Town Clerk Cheryl Jassak-Huther will also be working virtually from home for the same reason.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart.

(RESOLUTION NO. 365 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for Town Clerk Cheryl Jassak-Huther to work virtually from home and Highway Superintendent Richard Sherman to work out of the Highway garage during the week of Early Election.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

ADJOURNMENT:

There being no further business to come before the Town Board, upon motion of Councilman Messa and second by Councilman Woodland the meeting was adjourned at 7:13 p.m.

(RESOLUTION NO. 366 OF 2021)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the approval to adjourn.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was declared unanimously carried and duly *ADOPTED*

Respectfully submitted,

Cheryl A. Jassak-Huther
Town Clerk